

**ANNEX II to the
Memorandum of Agreement between
the Transportation Security Administration and
the Federal Aviation Administration**

LEGISLATIVE ACTIVITIES

1. **Purpose.** The Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA) ("the Parties") have a mutual interest in ensuring coordinated, consistent, and effective legislative activities that substantially affect the transportation security mission of the United States. To achieve this purpose, the Parties agree to abide by the terms of this Annex, subject to applicable federal laws, regulations and policies.
2. **Definitions.** As used in this Annex:
 - a. The term "legislative activities" means an activity by an agency relating to the potential or actual enactment of laws by the U.S. Congress, and an agency activity relating to activities of Congress. It includes activities involving or related to the proposal, review, drafting, or revision of federal legislation, whether initiated internally or externally, whether in the form of a working draft, a pending bill, or enacted law, as well as internal or external meetings or communications related to legislation or activities of Congress. However, the term does not include budget, resource, and other appropriations activities that are subject to a Resources Annex between the Parties.
 - b. The term "coordinate" means to take action which provides reasonable notice of an agency's legislative activities and which affords the notified agency, when possible, a reasonable opportunity to address concerns raised by such notice.
 - c. The term "reasonable notice" means as soon as possible, preferably prior to action, without placing an activity in jeopardy.
3. **Action.**
 - a. **General Coordination.** The Parties will make continuing good faith efforts to coordinate on (1) addressing the common authorized security responsibilities and interests of the other Party to minimize conflicts, (2) avoiding duplication or conflict in pursuing new agency authorities, (3) providing consistent and authoritative information to Congress, stakeholders or other interested parties, and other persons, and (4) furthering the transportation security interests of the United States. Efforts to coordinate will commence as soon as reasonably practicable under the circumstances, preferably at the earliest stage of development.
 - b. **Specific Coordination.** In accordance with the general coordination obligations expressed in paragraph 3a, the Parties will make continuing good faith efforts

to coordinate with one another regarding legislative activities that have the potential to substantially affect the transportation security responsibilities of both Parties, including the following:

- (1) Proposal of a legislative initiative or modification to existing law.
- (2) Review or comment on legislation proposed by a Member of Congress or pending in Congress.
- (3) Initial planning to implement newly enacted legislation.
- (4) Preparation of agency personnel to appear before a committee, subcommittee or other formal meeting of Congress.
- (5) Response to an inquiry by a Member of Congress.
- (6) Response to an inquiry that relates to legislative activities from the General Accounting Office, the Office of Management and Budget, or the Congressional Budget Office.
- (7) Communication to or from an interested party or other person regarding a legislative activity, where the communication has the potential to substantially affect the transportation security responsibilities of the other Party.

c. Actions Requiring Departmental Approval. In addition to the coordination described above, if either Party engages in activities which could ultimately result in an action requiring the approval of the head of the Department in which either Party operates, the Parties will follow any applicable Departmental approval and coordination policies.

4. Points of Contact. In initiating coordination required by this Annex, each Party's point of contact, or that point of contact's designee, will coordinate with the other Party's point of contact, or its designee. Subject to updates by the Parties, the following persons constitute points of contact with respect to this Annex:

TSA:

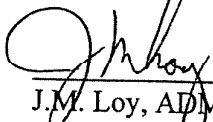
Assistant Chief Counsel for Legislation and Authorities
Office of the Chief Counsel
Transportation Security Administration
TSA Headquarters
701 South 12th Street
Arlington, VA 22202

FAA:

Assistant Chief Counsel for Legislation
Office of the Chief Counsel
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591

APPROVED BY:

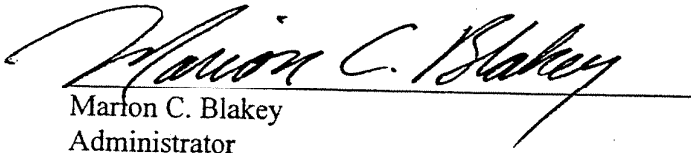
TRANSPORTATION SECURITY ADMINISTRATION



J.M. Loy, ADM
Under Secretary of Transportation for Security

2/28/03
Date

FEDERAL AVIATION ADMINISTRATION



Marion C. Blakey
Administrator

2/28/03
Date